IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 5406 of 2004

Between:

G. Sri Lakshmi D/o. Sivaramaiah,
R/o. Uppudi Post Repalle Mandal, Guntur Distyrict.

..... PETITIONER

AND

1 Andhra University rep. by its Registrar, Visakhapatnam.
2 The Chief of Examinations, B.Ed. Examinations, Andhra University,

Visakhapatnam.
3 Sri Kolla Appala Naidu College of Education, Gajapathinagar,

Vizianagaram, rep., by its Correspondent.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declare as illegal, arbitrary and unconstitutional the action of the respondents in not evaluating Paper VI- Methods of Teaching School, Subject II- Mathematics, Part -I Theory B.Ed. Examination on the basis of proportionate evaluation having regard to Question Nos. 5 to 17[a] as questions do not relate to Mathematics subject and issue a consequential direction to the respondents to forthwith undertake evaluation of the above paper on proportionate basis and declare the result of the petitioner.

Counsel for the Petitioner:MR.D.V.SITARAMAMURTHY

Counsel for the Respondents No.1&2 : DR.P.B.VIJAY KUMAR,

Government Pleader for Social Welfare.

The Court at the stage of admission made the following ORDER: Heard both sides.

Petitioner, who appeared for B. Ed. Mathematics examination on 08.01.2004 with H.T.No.020335027 at Maharaja's college, Vizianagaram, was given a question paper comprising two parts, Section A consists of 16 questions, of which the candidate is required to answer 12 questions, each carries 5 marks. In Section-B, a candidate is required to answer 2 questions, each carrying 20 marks totaling 40 marks, and there are some misprints of questions at pages 2 and 3. Petitioner submits that after conclusion of the examination on that day, on verification, she came to know that question Nos. 5 to 17(a) relate to Physical Science and not Mathematics. Immediately she approached the Chief Superintendent of B.Ed. Examination, 2004, M. R. College, Vizianagaram and informed about the mistakes crept in the question paper. On the instructions, the Chief Superintendent sent the question paper and answer sheets to the second respondent in a separate cover enclosing the representation of the petitioner. On 27.02.2004, she got marks memo in which she was shown as 'failed in Mathematics'. Petitioner submits that the questions relating to Physical Science were not evaluated, with the result she was shown as failed in Mathematics examination. In view of the same, the petitioner filed the present writ petition to evaluate the questions given in the paper for 100 marks, after excluding the questions relating to Physical Science, and to declare her results.

First and second respondents filed counter-affidavit stating that of all the candidates, who attended the said Mathematics examination on the given date, the petitioner only complained that she was given a question paper containing the questions relating to Physical Science at pages 2 and 3. If that be so, she ought to have brought the discrepancy to the Invigilator or Chief Superintendent in the Examination hall immediately. However, on undertaking a thorough verification of the said question paper given to all the candidates, it was found that there was no discrepancy in the Mathematics question paper, as alleged by the petitioner. The answer sheet and the question paper of the petitioner were not sent in a separate cover as per rule. Only after the results were declared, the petitioner submitted the xerox copy of the representation, which is undated, along with the xerox copy of the letter of the Chief Superintendent, duly attested by the Principal, M.R.A.College, Vizianagaram on 28.02.2004, to the Chief of Examinations, B.Ed. Examinations, Andhra University, Visakhapatnam.

Learned counsel for the petitioner, placing reliance upon the letter issued by the Chief Superintendent, B.Ed., Examinations Jan., 2004, M.R.College, Vizianagaram, submits that when the petitioner made a representation to the University, the authorities concerned have to consider the same and take necessary action.

The very fact that the University received the answer sheet alone, which was evaluated, and results were declared itself shows that the representation submitted by the petitioner along with the letter issued by the Chief Superintendent, without date, were subsequent to despatching the answer sheets to the University for evaluation. In view of the same, the submission made by the learned counsel for the petitioner that the petitioner made a representation and the answer sheet and question paper were sent separately to the University for consideration, cannot be accepted.

The writ petition is accordingly dismissed.

11.10.2004

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To

1 The Registrar, Andhra University, Visakhapatnam.
2 The Chief of Examinations, B.Ed. Examinations, Andhra University,

Visakhapatnam.

3 Two CD copies.

4 Two C.Cs. to the Government Pleader for Social Welfare, High Court Buildings, A.P., Hyderabad (OUT).